

UNITED STATES DISTRICT COURT

Northern

District of

Utah

UNITED STATES OF AMERICA

V.

Matthew Joseph Mobley

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 1:04CR000062-001

USM Number: 11442-081

Jeremy M. Delicino

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) I-Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18USC§922(g)(1)	Felon in Possession of a Firearm		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/18/2006

Date of Imposition of Judgment

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

10/18/2006

Date

DEFENDANT: Matthew Joseph Mobley
CASE NUMBER: DUTX 1:04CR000062-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

25 months. (The defendant has served 7 months in custody. The defendant shall serve the remainder of his sentence of 18 months on home confinement. The defendant shall be released for work, religious, medical and any other reason deemed appropriate by the United States Probation Office.) NO ADDITIONAL PRISON TIME IS REQUIRED.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Matthew Joseph Mobley
CASE NUMBER: DUTX 1:04CR000062-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Matthew Joseph Mobley
CASE NUMBER: DUTX 1:04CR000062-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant will submit to drug/alcohol testing as directed by the probation office and pay a one-time \$115.00 fee to partially defer the costs of collection and testing.
2. The defendant shall participate in drug/alcohol abuse treatment under a co-payment plan as directed by the probation office and shall not possess or consume alcohol during the course of treatment, nor frequent businesses where alcohol is the chief item of order.

DEFENDANT: Matthew Joseph Mobley
CASE NUMBER: DUTX 1:04CR000062-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Matthew Joseph Mobley
CASE NUMBER: DUTX 1:04CR000062-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

United States District Court
for the District of Utah

Petition and Order for Summons for Offender Under Supervision

Name of Offender: **Barton Vear McFarland**

Docket Number: **1:04-CR-00065-001-PGC**

Name of Sentencing Judicial Officer: **Honorable Paul G. Cassell, United States District Judge**

Date of Original Sentence: **January 4, 2005**

Original Offense: **User in Possession of a Firearm**

Original Sentence: **21 months custody and 36 months TSR**

Type of Supervision: **Supervised Release**

Supervision Began: **November 7, 2005**

PETITIONING THE COURT

☒ To issue a summons

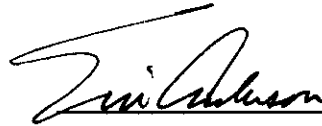
Farmington, UT 84025

CAUSE

The probation officer believes that the offender has violated the conditions of supervision as follows:

Allegation No. 1: The defendant failed to submit to drug and/or alcohol testing on December 10, 22, and 31, 2005, January 20, March 8 and 25, April 13 and 28, May 9 and 27, June 19 and 30, July 13 and 22, September 16 and 29, and October 11, 2006.

I declare under penalty of perjury that the foregoing is true and correct.



Eric Anderson, U.S. Probation Officer

Date: October 17, 2006

THE COURT ORDERS:

- ☒ The issuance of a summons
☐ The issuance of a warrant
☐ No action
☐ Other

RECEIVED

OCT 18 2006

OFFICE OF
JUDGE PAUL G. CASSELL



Honorable Paul G. Cassell
United States District Judge

Date: 10/18/06

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MATTHEW RODNEY PAGE,
Defendant.

ORDER DENYING MOTION FOR
RECOMMENDATION

Case No. 1:05-CR-00030

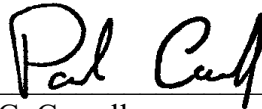
This matter is before the court on defendant Matthew Rodney Page's Motion for Recommendation. Mr. Page asks this court to recommend that the Federal Bureau of Prisons transfer him to the Cornell Halfway House in Salt Lake City because the bureau has terminated the boot camp program.

When sentencing Mr. Page, the court recommended that the bureau place him in the Safford, Arizona facility and a boot camp program if available. The court therefore DENIES

Mr. Page's Motion for Recommendation (#38). The court, however, will forward of copy of Mr. Page's motion and this order to his counsel. This matter remains closed.

DATED this 20th day of October, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

UNITED STATES DISTRICT COURT

Northern

District of

Utah

UNITED STATES OF AMERICA

V.

Serafin Silva-Coria

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 1:06CR000069-001

USM Number: 13876-081

Vanessa Ramos

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 USC § 1326	Reentry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/16/2006

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Name of Judge

U.S. District Judge

Title of Judge

10 18 2006

Date

DEFENDANT: Serafin Silva-Coria
CASE NUMBER: DUTX 1:06CR000069-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Serafin Silva-Coria
CASE NUMBER: DUTX 1:06CR000069-001

PROBATION

The defendant is hereby sentenced to probation for a term of :

36 Months

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Serafin Silva-Coria
CASE NUMBER: DUTX 1:06CR000069-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not illegally reenter the United States.

DEFENDANT: Serafin Silva-Coria
CASE NUMBER: DUTX 1:06CR000069-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ 0.00	\$ 0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Serafin Silva-Coria
CASE NUMBER: DUTX 1:06CR000069-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

RECEIVED

OCT 18 2006

OFFICE OF
JUDGE TENA CAMPBELL

Nathan D. Alder, 7126
Anneliese Cook Booher, 9117
CHRISTENSEN & JENSEN, P.C.
50 South Main Street, Suite 1500
Salt Lake City, Utah 84144
Telephone: (801) 323-5000
Facsimile: (801) 355-3472
Attorneys for Defendant
DaimlerChrysler Corporation

FILED
U.S. DISTRICT COURT

2006 OCT 19 A 10:13

DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

ROBERT H. PETERSEN; CLARK AND ANN MARIE HUGGINS, individually and as co-Personal Representatives of the Estate of JUSTIN CLARK HUGGINS; GARTH and KATHY WILCOX, individually and as co-Personal Representatives of the Estate of BRADLEY G. WILCOX; KENNETH F. MADSEN, individually and as Personal Representative of the Estate of Curt A. Madsen; CONNIE GUNNELL, individually and as Personal Representative of the Estate of JUSTIN W. GUNNELL; WAYNE and JANE McENTYRE, individually and as co-Personal Representatives of the Estate of RYAN W. McENTYRE; LYLE and DIXIE BAIR, individually and as co-Personal Representatives of the Estate of STEVEN D. BAIR; SCOTT and KATHY FUHRIMAN, individually and as co-Personal Representatives of the Estate of DUSTIN D. FUHRIMAN; DENNIS and SUSAN JORGENSEN and SHARI JORGENSEN, individually and as the heirs of JONATHAN JORGENSEN; BRENT NELSON, as Conservator of the Estate of JARED PAUL NELSON, an injured person; and AMY NELSON,

Plaintiff,

vs.

**ORDER FOR PRO HAC VICE
ADMISSION**

Case No. 1:06-cv-00108 tc

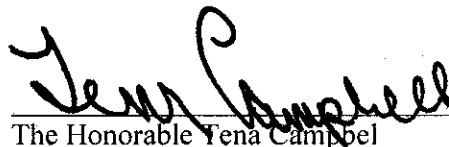
Judge Tena Campbell

DAIMLERCHRYSLER CORPORATION; DAIMLERCHRYSLER MOTORS CORPORATION; COOPER TIRE & RUBBER COMPANY; and JOHN DOES I – X, Defendants.	
--	--

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of D.U. Civ. Rule 83-1.1(d), the motion for the admission pro hac vice of PETER F. JONES in the United States District Court of Utah in the subject case is GRANTED.

DATED this 18 day of October, 2006.

By the Court:



The Honorable Tena Campbell
United States District Court, District of Utah

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

FILED
U.S. DISTRICT COURT

JUDGE: Hon. Bruce S. Jenkins

COURT REPORTER: Becky Janke 2:02

COURTROOM DEPUTY: Michael R. Weiler

INTERPRETER: None DISTRICT OF UTAH

DEPUTY CLERK

CASE NO. 6-NC-111 BSJ

Dominguez, et al v. Boston Scientific Corporation, et al

RECEIVED

OCT 17 2006

OFFICE OF U.S. DISTRICT JUDGE
BRUCE S. JENKINS

Approved By: _____

APPEARANCE OF COUNSEL

Pla Jordan P. Kendell

Dft Rick L. Rose

DATE: October 16, 2006, 1:20 PM

MATTER SET: Motion Hearing re: for extension of time to file answer

(8 mins)

DOCKET ENTRY:

Argument & discussion heard. Crt rules:

- Grants, motion for extension of time to file answer.

Crt schedules:

- Answer filed nlt11/16/2006.

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

FILED
U.S. DISTRICT COURT

JUDGE: Hon. Bruce S. Jenkins

COURT REPORTER: Becky Janke 2:02

COURTROOM DEPUTY: Michael R. Weiler

INTERPRETER: None DISTRICT OF UTAH

DEPUTY CLERK

CASE NO. 6-NC-111 BSJ

Dominguez, et al v. Boston Scientific Corporation, et al

RECEIVED

OCT 17 2006

OFFICE OF U.S. DISTRICT JUDGE
BRUCE S. JENKINS

Approved By: _____

APPEARANCE OF COUNSEL

Pla Jordan P. Kendell

Dft Rick L. Rose

DATE: October 16, 2006, 1:20 PM

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Argument & discussion heard. Crt rules:

- Grants, motion for extension of time to file answer.

Crt schedules:

- Answer filed nlt11/16/2006.

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

FILED
U.S. DISTRICT COURT

JUDGE: Hon. Bruce S. Jenkins

COURT REPORTER: Becky Janke 2:02

COURTROOM DEPUTY: Michael R. Weiler

INTERPRETER: None DISTRICT OF UTAH

DEPUTY CLERK

CASE NO. 6-NC-111 BSJ

Dominguez, et al v. Boston Scientific Corporation, et al

RECEIVED

OCT 17 2006

OFFICE OF U.S. DISTRICT JUDGE
BRUCE S. JENKINS

Approved By: _____

APPEARANCE OF COUNSEL

Pla Jordan P. Kendell

Dft Rick L. Rose

DATE: October 16, 2006, 1:20 PM

MATTER SET: Motion Hearing re: for extension of time to file answer

(8 mins)

DOCKET ENTRY:

Argument & discussion heard. Crt rules:

- Grants, motion for extension of time to file answer.

Crt schedules:

- Answer filed nlt11/16/2006.

United States District Court
for the District of Utah

Request and Order to Amend Previous Petition

Name of Offender: **ROBERT LYNN HARRIS**

Docket Number: **2:00-CR-00584-001-DAK**

Name of Sentencing Judicial Officer: **Honorable Dale A. Kimball, United States District Judge**

Date of Original Sentence: **May 15, 2001**

Original Offense: **Felon in Possession of a Firearm; Felon in Possession of Ammunition**

Original Sentence: **Commitment to Bureau of Prisons 57 months, 36 months supervised release**

Type of Supervision: **Supervised Release** Supervision Began: **February 23, 2006**

PETITIONING THE COURT

☒ To amend the petition signed on July 5, 2006 as follows:

CAUSE

Allegation No. 1: The defendant failed to submit to urinalysis testing on the following dates: March 28, 2006; April 4, 2006; April 29, 2006; May 12, 2006; May 23, 2006; June 8, 2006; June 20, 2006; and June 26, 2006, as directed.

Allegation No. 2: On or about April 13, 2006, the defendant submitted a urine sample that tested positive for Amphetamines.

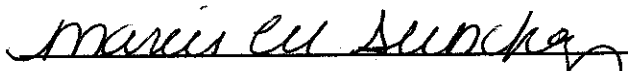
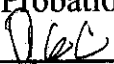
Allegation No. 3: The defendant has failed to participate in substance abuse treatment as directed.

Allegation No. 4: The defendant has failed to secure full-time employment as directed.

Allegation No. 5: On or about September 29, 2006, in the Third District Court, Salt Lake City, Utah, the defendant entered a plea of guilty to one (1) count of Attempted Theft by Receiving Stolen Property, a Third Degree Felony, as evidenced in Case No. 061903456.

Allegation No. 6: On or about October 19, 2006, in the Third District Court, Salt Lake City, Utah, the defendant entered a plea of guilty to one (1) count of Theft by Receiving Stolen Property (amended), a Third Degree Felony, as evidenced in Case No. 061905131.

I declare under penalty of perjury that the foregoing is true and correct


Maria EA Sanchez, U.S. Probation Officer
Date: October 19, 2006 

THE COURT ORDERS:

- ☒ That the original petition be amended
to include all allegations outlined
☐ No action
☐ Other

Dale A. Kimball

Honorable Dale A. Kimball
United States District Judge

Date: October 20, 2006

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SALT LAKE TRIBUNE PUBLISHING
COMPANY, LLC,

Plaintiff,

vs.

AT&T CORPORATION; AT&T
BROADBAND, LLC; KEARNS-TRIBUNE,
LLC; MEDIANEWS GROUP, INC.; and
DESERET NEWS PUBLISHING
COMPANY,

Defendants.

ORDER

AND

MEMORANDUM DECISION

Case No. 2:00-CV-936 TC

This case has been administratively closed since March 24, 2005. (See Dkt # 1004.) Before the case was administratively closed, the parties stipulated to a stay of the case pending resolution of appeals in the related case of Salt Lake Tribune Publishing Company, LLC v. Management Planning Inc., 2:03-CV-565 (the MPI case).¹ The court granted the stay. (See Dkt # 964.) Plaintiff Salt Lake Tribune Publishing Company, LLC (SLTPC) now seeks an order re-opening the case, lifting the stay, and granting SLTPC leave to file an amended complaint. (See Dkt # 1012.) The Defendants oppose SLTPC's motion.

To re-open an administratively closed case, a party need only file a motion requesting re-

¹The parties also stipulated to a stay pending resolution of appeals in Salt Lake Tribune Publishing Company, LLC v. MediaNews Group, 2:03-CV-785. The cases were ultimately consolidated into the MPI case.

activation of the case, as SLTPC has done here. (See Mar. 21, 2005 Minute Entry (Dkt # 1002) (administratively closing the case and stating that “[p]arties are free to reopen the case when and if it becomes necessary.”); Mar. 24, 2005 Order (Dkt # 1004) (“[T]his case is ADMINISTRATIVELY CLOSED and may be reopened at any time upon the court’s motion or by motion of any party.”) (emphasis in original); SLTPC Mot. to Lift Stay (Dkt # 1012).)

SLTPC also requests an order lifting the stipulated stay that was approved by the court on September 10, 2004. The September 10, 2004 Order granted the parties’ stipulated motion to stay and “ORDERED that this case is STAYED and may be re-opened at any time by the court or upon motion by any party.” (Dkt # 964 (emphasis in original).) The stipulated stay provided that the case will be stayed “pending resolution of . . . appeals” in the MPI case. (Dkt # 927 at 2.) Since the stay went into effect, numerous appeals have been resolved in the MPI case, and recently the Tenth Circuit remanded that case to the district court for final resolution on the merits. The Defendants oppose lifting the stay in this case until the MPI case is fully resolved in the district court. But that is not what the language of the stipulated stay provided. The situation driving the parties to stipulate to a stay has come to an end. Accordingly, the stay is lifted.

SLTPC also seeks leave to file a supplemental amended complaint. Leave to amend the complaint should be “freely given when justice so requires.” Fed. R. Civ. P. 15(a). But SLTPC does not attach a copy of its proposed supplemental amended complaint, which is necessary to evaluate whether the court will grant SLTPC’s request. Accordingly, SLTPC’s motion for leave to file a supplemental amended complaint is denied without prejudice.

ORDER

For the reasons set forth above, Salt Lake Tribune Publishing Company, LLC’s Motion to

Lift Stay for Filing of Supplemental and Amended Complaint (Dkt # 1012) is GRANTED IN PART AND DENIED IN PART. The case is hereby re-opened and the stay is lifted. SLTPC's request for leave to file an amended complaint is denied without prejudice.

SO ORDERED this 19th day of October, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA ex rel.
GILBERT TRUJILLO, et al.,

Plaintiffs,

vs.

GROUP 4 FALCK (successor of THE
WACKENHUT CORPORATION), et al.,

Defendants.

ORDER

AND

MEMORANDUM DECISION

Case No. 2:02-CV-162 TC

Defendants The Wackenhut Corporation (now known as Group 4 Falck but referred to herein as Wackenhut), John Connell, John Wittmaak, Dennis Murray, Jeff Gruendell and Richard Smith have moved for summary judgment on all remaining claims brought by Plaintiffs Robert Joseph, Alfonso Trujillo and Samuel Beene.¹

ANALYSIS

A. Legal Standard for Summary Judgment

Federal Rule of Civil Procedure 56 permits the entry of summary judgment “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving

¹In its order dated January 30, 2004, the court fully described the factual and procedural background of this case. Only those facts that are relevant to the conclusions reached in this present order will be discussed here.

party is entitled to judgment as a matter of law.’” Fed. R. Civ. P. 56(c); see also Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250-51 (1986); Adler v. Wal-Mart Stores, Inc., 144 F.3d 664, 670 (10th Cir. 1998). Although Wackenhut bears the burden of demonstrating that there are no issues of material fact, the Plaintiffs must set forth specific facts to establish that there is a genuine issue for trial. Celotex, 477 U.S. at 325. “An issue of material fact is ‘genuine’ if a ‘reasonably jury could return a verdict for the nonmoving party.’” Universal Money Ctrs., Inc. v. AT&T Co., 22 F.3d 1527, 1529 (10th Cir. 1994) (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)). The court must “examine the factual record and [make] reasonable inferences therefrom in the light most favorable to the party opposing summary judgment.” Applied Genetics Int’l, Inc. v. First Affiliated Sec., Inc., 912 F.2d 1238, 1241 (10th Cir. 1990).

B. Retaliation

The Plaintiffs contend that the Defendants² violated Title VII of the Civil Rights Act, 42 U.S.C. § 2000-3(a) which reads, in relevant part:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees . . . because [the employee] has opposed any practice made an unlawful employment practice by this subchapter, or because [the employee] has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

To establish a prima facie case of retaliation, a plaintiff “must demonstrate (1) that he engaged in

²At oral argument, counsel for Plaintiffs agreed that the claims against the individual Defendants John Connell, John Wittmaak, Dennis Murray, Jeff Gruendell and Richard Smith must be dismissed because there is no individual liability imposed on supervisors for Title VII violations. See Haynes v. Williams, 88 F.3d 898, 901 (10th Cir. 1996) (“the language and structure of amended Title VII continue to reflect the legislative judgment that statutory liability is appropriately borne by employers, not individual supervisors.”).

protected opposition to discrimination, (2) that a reasonable employee would have found the challenged action materially adverse, and (3) that a causal connection existed between the protected activity and the materially adverse action.” Argo v. Blue Cross & Blue Shield of Kansas, Inc., 452 F.3d 1193, 1202 (10th Cir. 2006) (citing recent United States Supreme Court decision Burlington N. & Sante Fe Ry. Co. v. White, 126 S. Ct. 2405, 2414-15 (2006)).

If a plaintiff establishes a prima facie case, then the burden shifts to the defendant to articulate a legitimate, nondiscriminatory reason for the discharge. See McDonnell Douglas Corp v. Green, 411 U.S. 792, 800-07 (1973) (holding that when plaintiff relies on circumstantial evidence to demonstrate employment discrimination, and plaintiff establishes prima facie case, burden of production shifts to defendant to articulate legitimate, nondiscriminatory reason for adverse action); Argo, 452 F.3d at 1202 (applying McDonnell Douglas burden shifting framework in Title VII retaliation case). Then, if the defendant meets its burden of production, the plaintiff, in order to survive summary judgment, must present evidence that the defendant’s proffered reason was pretext for a retaliatory motive. McDonnell Douglas, 411 U.S. at 800-07.

To show pretext, [a plaintiff] must produce evidence of “such weaknesses, implausibilities, inconsistencies, or contradictions in the employer’s proffered legitimate reasons for its action that a reasonable fact finder could rationally find them unworthy of credence and hence infer that the employer did not act for the asserted non-discriminatory reasons.”

Argo, 452 F.3d at 1203 (internal citations omitted) (quoting Morgan v. Hilti, Inc., 108 F.3d 1319, 1323 (10th Cir. 1997)).

With these standards in mind, the court now examines each of the claims.

1. Robert Joseph

Although it is somewhat unclear what Mr. Joseph contends was his protected activity that triggered Defendants' retaliation against him, apparently Mr. Joseph asserts that he helped Gilbert Trujillo (who is no longer a plaintiff in this case) file a complaint for race discrimination.³

Even assuming (without deciding) that Mr. Joseph has made a prima facie case that his termination was the result of his helping Mr. Trujillo with filing a complaint, Wackenhut has produced evidence of a legitimate, nondiscriminatory reason for firing Mr. Joseph.

In October 2001, Mr. Joseph reported to the Salt Lake City Police Department that a middle-eastern man had been seen taking photographs of government buildings. (Oct. 28, 2001 Transit Public Safety Incident Report, attached as Ex. B to Aff. of Dennis Murray; Salt Lake Police Dep't incident report, attached as Ex. C. to Murray Aff.; see also Murray Aff. ¶¶ 3-4; Aff. of John Connell ¶ 18.) The information in the report was materially incorrect. (Oct. 29, 2001 Transit Public Safety Incident Report, attached as Ex. A to Murray Aff.; Salt Lake Police Dep't incident report, attached as Ex. C. to Murray Aff.; Murray Aff. ¶ 5; Connell Aff. ¶ 18.) Wackenhut employee Corporal Tolbert, unlike Mr. Joseph, had witnessed the man taking

³The court notes that Plaintiffs' memorandum in opposition to Defendants' motion for summary judgment fails to comply with this court's Rules of Practice. Local Rule DUCivR 56-1 requires a memorandum opposing summary judgment to "begin with a section that contains a concise statement of material facts as to which the party contends a genuine issue exists." DUCivR 56-1(c). Further, "[e]ach fact in dispute must be numbered, must refer with particularity to those portions of the record on which the opposing party relies and, if applicable, must state the number of the movant's fact that is disputed." *Id.* Plaintiffs provide little record evidence in their opposition memorandum. Given these deficiencies, the court could simply deem each of Defendants' stated facts admitted under DUCivR 56-1(c). But at the hearing on the Defendants' motion, the court gave Plaintiffs' counsel an opportunity to indicate what evidence in the record created genuine issues of material fact. Even then, Plaintiffs' counsel was unable to point to any relevant, admissible evidence that would raise any such issues.

photographs (the photographer was actually Caucasian and his subject was not buildings but rather an African-American man assisting a disabled passenger). (Oct. 29, 2001 Transit Public Safety Incident Report, attached as Ex. A to Murray Aff.; Salt Lake Police Dep't incident report, attached as Ex. C. to Murray Aff.; Connell Aff. ¶ 18.) The next day, Corporal Tolbert sent Mr. Joseph a memo, in which Corporal Tolbert chastised Mr. Joseph for making an incorrect report to the police based on second- and third-hand information. (Oct. 29, 2001 Mem. from Tolbert to Joseph, attached as Ex. D to Murray Aff.) Corporal Tolbert requested that Mr. Joseph contact Tolbert "to gather first hand correct information instead of gathering information second hand about I saw, heard and did. . . . Please for future reference come to me when having questions or concerns about a situation I have or are [sic] dealing with." (Id.)

Mr. Joseph was upset about the memo and went to the office of Dennis Murray, who was captain of Wackenhut's Utah Trax station and Mr. Joseph's supervisor. Captain Murray described Mr. Joseph's actions:

Mr. Joseph became very agitated and started raising his voice and pointing his finger. I informed him that certain information contained in his report was incorrect. He became even louder and continued to point his finger at me. He then walked over to my chair while I was sitting down and leaned over into my face and started yelling at me and pointing his finger at me. He stated that he was leaving the room and I told him to sit back down and complete the discussion. I asked him to again sit down. He said he was mad and leaving the room. I informed Joseph to clock out that he was relieved of duty and to go home. He stated to put it in writing and left.

(Murray Aff. ¶ 7.)

Captain Murray reported the entire incident to John Connell, manager of Wackenhut's Salt Lake City office. Mr. Connell met with Mr. Joseph on November 1, 2001. Mr. Connell testified that "[w]e discussed his insubordination to Capt. Murray and I informed him that he was

being terminated.” (Connell Aff. ¶ 20.)

Mr. Joseph has submitted no relevant admissible evidence to rebut Wackenhut’s evidence that Mr. Joseph was terminated for insubordination. Accordingly, Wackenhut is GRANTED summary judgment on Mr. Joseph’s claim of retaliation.

2. Alfonso Trujillo

Mr. Trujillo first argued that he was denied promotions and benefits. But he has since apparently conceded that he did not seek any promotions and was not denied any benefits. Apparently Mr. Trujillo is now claiming that Wackenhut’s termination of his employment was retaliatory. But again, assuming without deciding that Mr. Trujillo has established a prima facie case,⁴ Wackenhut has produced convincing evidence, un rebutted by Mr. Trujillo, of legitimate, nondiscriminatory reasons for its actions. It is undisputed that Wackenhut terminated Mr. Trujillo’s employment⁵ because he gave confidential information to a former Wackenhut employee without permission. The confidential information was then published in a local newspaper. Mr. Trujillo’s disclosure of the confidential information violated Wackenhut policy. (Connell Aff. ¶ 4; Security Officer’s Handbook ¶ 2.1, attached as Ex. A to Connell Aff.)

For these reasons, Wackenhut is GRANTED summary judgment on Mr. Trujillo’s claim of retaliation.

⁴The court notes that Mr. Trujillo has not presented evidence that he engaged in any protected activity.

⁵Two weeks later, Wackenhut reduced Mr. Trujillo’s discipline to a two-week suspension without pay. Mr. Trujillo remained a Wackenhut employee until Wackenhut’s contract with UTA ended.

3. Samuel Beene

Mr. Beene has pointed to no evidence that he engaged in any protected activity. Even so, as Wackenhut has done with the other two Plaintiffs, it has produced un rebutted evidence that it terminated Mr. Beene's employment⁶ because he provided confidential information about Wackenhut to people outside the company, in violation of Wackenhut policy.

For these reasons, Wackenhut is GRANTED summary judgment on Mr. Beene's claim of retaliation.

C. Hostile Work Environment

Plaintiffs also bring claims for hostile work environment. To establish a hostile work environment, Plaintiffs "must show that a rational jury could find that the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victims employment and create an abusive working environment." Sandoval v. Boulder Reg'l Commc'ns Ctr., 388 F.3d 1312, 1327 (10th Cir. 2004). Plaintiffs must show that they were victims of the hostile work environment because of gender, race, or national origin. Id. Plaintiffs provide no evidence of a hostile work environment and, accordingly, Wackenhut is GRANTED summary judgment on these claims.

⁶About two weeks later, Mr. Beene was reinstated, and he remained a Wackenhut employee until Wackenhut's contract with UTA ended.

ORDER

For the foregoing reasons, the Wackenhut Defendants' Motion for Summary Judgment is
GRANTED.

DATED this 18th day of October, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge

United States District Court
District of Utah

FILED
DISTRICT COURT
2006 OCT 20 A 9:51

UNITED STATES OF AMERICA**vs.****Mario Boyd Romero**

aka Chico

(For Revocation of Probation or Supervised Release)
(For Offenses Committed On or After November 1, 1987)Case Number: **2:03-CR-00258-001-DB**Plaintiff Attorney: **J. Eric Bunderson**Defendant Attorney: **Sharon Preston, Esq.**Atty: CJA ☒ Ret ☐ FPD ☐Defendant's Soc. Sec. No.: **4071**Defendant's Date of Birth: **1969**Defendant's USM No.: **10521-081**

Defendant's Residence Address:

N/ACountry **10/18/2006**

Date of Imposition of Sentence

Defendant's Mailing Address:

N/ACountry

THE DEFENDANT:

☒ admitted to allegation(s) I☐ pleaded nolo contendere to allegation(s)
which was accepted by the court.☐ was found guilty as to allegation(s) COP **09/22/2003** Verdict **Violation Number**

I.

Nature of ViolationPossession of a Firearm as Evidence by a Search of
the Defendant's Residence which was Conducted
by Law Enforcement wherein Two Hunting
Firearms were Located**Date Violation
Occured**

10/23/2005

☐ The defendant has been found not guilty on count(s) ☒ Count(s) I and III of indictment (is)(are) dismissed on the motion of the United States.**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the
defendant be committed to the custody of the United States Bureau of Prisons for a term of
11 months. This case is to run concurrent with 2:05-cr-000828-001

Upon release from confinement, the defendant shall be placed on supervised release for a term of
No Supervised Release

☐ The defendant is placed on Probation for a period of .
The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
No fine imposed.

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:
- _____

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--------------------------------------

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5) (not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ _____, payable as follows:

☐ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

RECOMMENDATION

☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons: _____

Defendant: Mario B. Romero
Case Number: 2:03-CR-00258-001-DB

Page 4 of 5

CUSTODY/SURRENDER

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

10/19/06

Dee Benson

Dee Benson

United States District Judge

Defendant: Mario B. Romero
Case Number: 2:03-CR-00258-001-DB

Page 5 of 5

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

**United States District Court
for the District of Utah**

Petition and Order for Summons for Offender Under Supervision

Name of Offender: **DUNCAN STEADMAN**Docket Number: **2:03-CR-00990-004-TC**Name of Sentencing Judicial Officer: **Honorable Tena Campbell, United States District Judge**Date of Original Sentence: **December 6, 2005**Original Offense: **Theft From Indian Tribal Organization**Original Sentence: **12 months probation**Type of Supervision: **Probation**Supervision Began: **December 6, 2005**

PETITIONING THE COURT

☒ To issue a summons, tolling the
supervision term as of October 6, 2006

South Jordan, Utah

CAUSE

The probation officer believes that the offender has violated the conditions of supervision as follows:

Allegation No. 1: During the period of January 5, 2006, through October 5, 2006, the defendant has failed to submit his Monthly Supervision Report (MSR) by the required due date as directed.

Allegation No. 2: The defendant has failed to pay his financial obligations as directed by the Court on December 6, 2005. As of October 6, 2006, the defendant has failed to make any payment toward his financial obligation.

Allegation No. 3: The defendant has failed to provide financial documents to the probation officer, as directed by the probation officer on September 8, 2006.

I declare under penalty of perjury that the foregoing is true and correct

Maria EA Sanchez
Maria EA Sanchez, U.S. Probation Officer

Date: October 17, 2006 *JS*

THE COURT ORDERS:

- ☒ The issuance of a summons
☐ The issuance of a warrant
☐ No action
☐ Other

Tena Campbell
Honorable Tena Campbell
United States District Judge

Date: 10-17-2006

Adam S. Affleck (5434)
G. Troy Parkinson (9011)
PRINCE, YEATES & GELDZAHLER
City Centre I, Suite 900
175 East 400 South
Salt Lake City, Utah 84111
Tel. No.: (801) 524-1000

Howard W. Burns, Jr.
170 Broadway, Suite 609
New York, New York 10038
Tel. No.: (212) 227-4450

Attorneys for Defendant Beltran Associates, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JOHNSON MATTHEY, INC.

Plaintiff,

vs.

BELTRAN ASSOCIATES, INC., REDKOH
INDUSTRIES, INC., and JOHN DOES I TO IX,

Defendants.

AND RELATED CROSS-CLAIMS

BELTRAN ASSOCIATES, INC.

Third-Party Plaintiff

vs.

HALLEN TECHNOLOGIES, INC., ROBERTS
& SCHAEFER COMPANY (a Subsidiary or
Division of Elgin National Industries, Inc.),
CODALE ELECTRIC SUPPLY, INC., GSL
ELECTRIC and CCI MECHANICAL, INC.,

Third Party Defendants.

FILED
U.S. DISTRICT COURT

2003 OCT 20 A 10:39

DISTRICT OF UTAH

DEPUTY CLERK

ORDER

Case No. 2-03-CV-410
(Judge David Sam)

The morning of September 15, 2006, the Court conducted a telephonic hearing of plaintiff Johnson Matthey, Inc.'s motion filed August 7, 2006, for a protective order: (a) precluding discovery of the March 15, 2003 fire at plaintiff's West Deptford, New Jersey, plant (the "West Deptford Fire"), (b) declaring that plaintiff need not produce a company designee from the United Kingdom to testify as to whether plaintiff has a "Corporate Social Responsibility" report or related documents for the February 6, 2001 Salt Lake City fire (the "Salt Lake City Fire") that is the subject of this case, and may instead simply provide information via written response to requests for production, and (c) that "no discovery shall be allowed . . . regarding the recent indictment against [plaintiff] alleging Clean Water Act violations" (the "Indictment").

The Court hereby orders that plaintiff's motion is denied in all respects, except that Beltran Associates has agreed that plaintiff need not produce for deposition at this time any corporate representative residing in the United Kingdom (unless such representative is otherwise available locally) to testify regarding the creation and/or existence of plaintiff's "Social Responsibility Reports" regarding the Salt Lake City Fire and the Indictment.

During the September 15 telephonic hearing the Court also addressed Beltran Associates' motion filed on August 22, 2006 to compel plaintiff to produce for deposition Dave McKelvie as well as Beltran Associates' application also filed on August 22, 2006 for the issuance of an Order to Show Cause why an order should not be entered holding Paul


Greaves in contempt of court for his failure to appear to be deposed pursuant to subpoena served upon him.

With respect to Beltran Associates' motion and application, the Court directed that Beltran Associates cause a deposition subpoena to be served upon Dave McKelvie (or ascertain from Mr. McKelvie's criminal defense counsel that Mr. McKelvie will refuse to appear and give deposition testimony irrespective of the due service upon him of a deposition subpoena ad testificandum) and thereupon advise the Court whether a further motion and/or hearing is required in connection with Beltran Associates' efforts to obtain the further deposition testimony of Messrs. McKelvie and Greaves.

Pending advice from its counsel, Beltran Associates' application for the issuance of an Order to Show Cause regarding Paul Greaves shall be held in abeyance. Beltran Associates' motion to compel plaintiff to produce Dave McKelvie for deposition is denied. The denial of this motion is limited to a ruling on the discovery relief requested by the motion, and is not a ruling on the admissibility of any evidence at trial.

DATED this 10th day of October, 2006.

BY THE COURT:



Honorable David Sam
U.S. District Court Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GERARDO THOMAS GARZA

Plaintiff,

vs.

FNU ODEKIERK, SALT LAKE COUNTY
JAIL MEDICAL DEPARTMENT, and SALT
LAKE COUNTY JAIL MENTAL HEALTH
DEPARTMENT,

Defendants.

ORDER DENYING MOTIONS TO
REOPEN CIVIL CASE and TO
APPOINT COUNSEL

Case No. 2:03-CV-00675 PGC

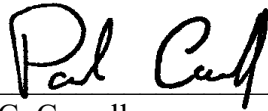
Plaintiff Gerardo Thomas Garza's moves pro se to reopen this matter. On December 9, 2003, the court dismissed this matter without prejudice because Mr. Garza had not paid the initial partial filing fee of \$3.00. Over two-and-a-half years later, Mr. Garza moves to reopen this matter. Mr. Garza has not paid the filing fee.

Accordingly, the court denies Mr. Garza's motion to reopen this matter (#13). The court denies Mr. Garza's motion to appoint counsel as moot (#14). This matter remains closed.

SO ORDERED.

DATED this 20th day of October, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

2006 OCT 20 A 10:39

DISTRICT OF UTAH

CLERK

UNITED STATES OF AMERICA,)

Case No. 2:04CR40 DS

Plaintiff,)

vs.)

ORDER

DIANE C. CHRISTENSEN,)


Defendant.)

Pursuant to Fed. R. App. P. 4(b)(4), and for good cause, as set forth in Defendant's Second Motion to Extend Time for Filing Notice of Appeal, the Court hereby orders that Defendant Diane C. Christensen shall have up to and including November 8, 2006 in which to file her notice of appeal.

SO ORDERED.

DATED this 20th day of October, 2006.

BY THE COURT:


DAVID SAM
SENIOR JUDGE
U.S. DISTRICT COURT

United States District Court
for the District of Utah

Petition and Order for Summons for Offender Under Supervision

Name of Offender: **Matthew Shawn IZENBERG**

Docket Number: **2:04-CR-00137-002-BSJ**

Name of Sentencing Judicial Officer: **Honorable Bruce S. Jenkins**
Senior United States District Judge

Date of Original Sentence: **October 14, 2004**

Original Offense: **Simple Possession of Methamphetamine**

Original Sentence: **Three years probation**

Supervision Began: **October 14, 2004**

FILED
DISTRICT COURT
2005 OCT 18 P 2:03
RECEIVED
OCT 17 2006
OFFICE OF U.S. DISTRICT JUDGE
BRUCE S. JENKINS

PETITIONING THE COURT

☒ To issue a summons Address:

CAUSE

The probation officer believes that the offender has violated the conditions of supervision as follows:

Allegation One: Matthew Izenberg submitted a urine specimen on August 3, 2006, that tested positive for methamphetamine.

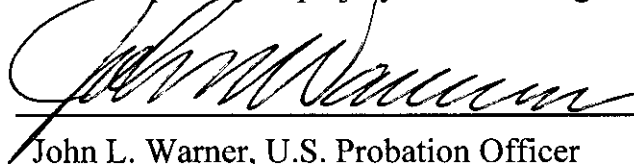
Allegation Two: Matthew Izenberg submitted a urine specimen on August 29, 2006, that tested positive for methamphetamine.

Allegation Three: Matthew Izenberg submitted a urine specimen on September 20, 2006, that tested positive for methamphetamine.

Allegation Four: Matthew Izenberg missed randomly scheduled urine collections on July 22 and 27; August 3; September 11 and 19, and October 6, 2006.

Allegation Five: Matthew Izenberg missed scheduled substance abuse therapy sessions at Odyssey House on August 22 and, 23; September 12, 19 and 26, and October 3 and 4, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

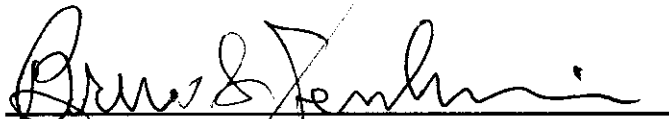


John L. Warner, U.S. Probation Officer

Date: October 17, 2006

THE COURT ORDERS:

- ☒ The issuance of a summons
- ☐ The issuance of a warrant
- ☐ No action
- ☐ Other



Honorable Bruce S. Jenkins
Senior United States District Judge

Date: 10/18/06

D. Bruce Oliver #5120
Attorney for Plaintiff
180 South 300 West, Suite 210
Salt Lake City, Utah 84101-1490
Telephone: (801) 328-8888
Fax: (801) 595-0300

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE STATE OF UTAH, CENTRAL DIVISION

JIHAD AL-ALI,

Plaintiff,

vs.

SALT LAKE COMMUNITY COLLEGE,

Defendant,

**ORDER FOR IN-COURT STATUS
CONFERENCE**

Case No. 2:04-cv-00547

Judge David Sam

Having reviewed Plaintiff's motion, and good cause appearing therein, the court
hereby:

ORDERS ADJUDGES AND DECREES

1. An In-Court Status Conference will be held on October 26, 2006
at the hour of 10:30 a.m.
2. The filing of responses/replies shall be addressed during the conference.

DATED this 20th day of October, 2006.

BY THE COURT



DAVID SAM
Federal Court Judge

Certificate of Service

I hereby certify that on October 16, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

Richard Bissell
Attorney General's Office
160 East 300 South, 6th Floor
Salt Lake City, UT 84111

Attorney for Defendant

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

s/Amanda Estes

Robert R. Wallace (#3366)
KIRTON & McCONKIE
60 East South Temple, #1800
Salt Lake City, Utah 84111
Attorney for Defendant
Excel Construction, L.C.

FILED
U.S. DISTRICT COURT
2005 OCT 20 A 9:55
DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

PANDA EXPRESS, INC., a California
Corporation,

Plaintiff,

v.

EXCEL CONSTRUCTION, L.C., a Utah
Limited Liability Company,

Defendant.

**ORDER OF DISMISSAL WITH
PREJUDICE**

Case No. 2:04-CV-579 TS

District Judge Ted Stewart

Magistrate Judge Brooke C. Wells

EXCEL CONSTRUCTION, L.C., a Utah
Limited Liability Company,

Third-Party Plaintiff,

v.

EXCELLENCE IN AIR CONDITIONING
AND HEATING, INC.,

Third-Party Defendant.

BASED UPON the motion of the parties that they have fully compromised and settled their differences, good cause appearing therefore, and no just reason appearing for delay of the entry of this order;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff's case and all current claims arising under it are hereby dismissed with prejudice.

DATED this 19th day of October, 2006.

BY THE COURT:



Judge Ted Stewart
DISTRICT COURT JUDGE

#927409

FILED
U.S. DISTRICT COURT
2006 OCT 20 A 9:50

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

DOMINION NUTRITION, INC.,

Plaintiff,

vs.

TOM MYERS, et al.,

Defendants.

**MEMORANDUM OPINION AND
ORDER**

Case No. 2:04-CV-01089

Judge Dee Benson

Global Nutrifoods ("GNF") has moved the Court to enter an order finding that Dominion Nutrition ("DNI") has waived any privileges relating to documents it withheld in its September 2005, March 2006, April 2006, and June 2006 document productions. GNF maintains that DNI waived these privileges because DNI failed to include a privilege log listing those documents that were withheld. Having reviewed the briefs and relevant law, the Court hereby DENIES GNF's motion for the reasons set forth below.

BACKGROUND

DNI and GNF are embroiled in a lawsuit involving claims of trade secret misappropriation. DNI produced documents to GNF in September 2005, March 2006, April 2006, and June 2006 according to the agreed upon discovery deadlines. When DNI produced these documents, it declined to produce certain other documents, claiming they were privileged. DNI, however, did not provide GNF with a list of the documents it claimed were privileged.

On April 11, 2006, counsel for GNF sent a letter to DNI's counsel noting that DNI had failed to provide a privilege log listing the documents DNI claimed were privileged and therefore DNI had waived any privilege. *See* GNF's Mem. in Supp., at 4-5. Two weeks later, DNI's counsel sent a letter to GNF's counsel informing GNF that it would produce a privilege log "in due course." *See Id.*

On June 15, 2006, Douglas Grady, counsel for DNI, emailed Jim Martin, counsel for GNF, concerning DNI's privilege log. *See* Decl. of Larry Graham, at Exhibit 2. In the email, Mr. Grady stated, "Attached, note the most up-to-date privilege log, which incorporates asserted privileges from the production of 10,000 documents made less than one week ago." *Id.* Additionally, Mr. Grady claimed, "Had you merely called or sent an e-mail at any time prior to filing this motion, we would have sent the most recent version right over in an e-mail...Finally, we do not have a copy of your privilege log." *Id.*

ANALYSIS

Rule 26(b)(5) states:

When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

Fed. R. Civ. P. 26(b)(5). While Rule 26 plainly states that a party shall disclose the documents that it is claiming are privileged; it does not provide a penalty for failing to disclose these documents in a timely manner. GNF argues that waiver is the appropriate remedy. GNF, however, cites only one case that is binding on this court, and it is inapposite. *See Peat, Marwick, et. al. v. West*, 748 F.2d 540 (10th Cir. 1985). *Peat, Marwick* involved attorney-client privilege, not work product privilege. Moreover, *Peat, Marwick* does not extend to privileges other than the attorney-client privilege to grant waiver based on timeliness alone.

DNI has turned over, although belatedly, the privilege log. More importantly, GNF does not assert that it has been prejudiced by the delay or that DNI's claimed privileges are without merit. Although the court does not condone DNI's delay, GNF has not cited any authority that requires waiver of privilege based on untimeliness alone. Absent evidence of prejudice, the Court is loathe to undermine the policies embodied in the work product privilege.

CONCLUSION

For these reasons, GNF's motion is hereby DENIED.

IT IS SO ORDERED.

DATED this 19th day of October 2006.

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive, flowing style.

Dee Benson
United States District Judge

UNITED STATES DISTRICT COURT

Central

District of

Utah

UNITED STATES OF AMERICA

V.

Carlos Abel Chavez-Velez

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 2:05CR000039-002

USM Number: 12349-081

Kenneth L. Combs

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) Is- Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21USC§841(a)(1)	Conspiracy to Distribute Heroin		Is

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/18/2006

Date of Imposition of Judgment

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

10/18/2006

Date

DEFENDANT: Carlos Abel Chavez-Velez
CASE NUMBER: DUTX 2:05CR000039-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

120 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant be placed in the Federal Correctional Institution at Terminal Island in California, for family visitations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Carlos Abel Chavez-Velez
CASE NUMBER: DUTX 2:05CR000039-002

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

98 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Carlos Abel Chavez-Velez
CASE NUMBER: DUTX 2:05CR000039-002

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not reenter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of his arrival in the United States.

DEFENDANT: Carlos Abel Chavez-Velez
CASE NUMBER: DUTX 2:05CR000039-002

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
--------	----------------	----------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Carlos Abel Chavez-Velez
CASE NUMBER: DUTX 2:05CR000039-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

UNITED STATES DISTRICT COURT

Central

District of

Utah

UNITED STATES OF AMERICA

V.

Mario Boyd Romero

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 2:05CR000828-001

USM Number: 10521-081

Sharon L. Preston

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) I-Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18USC§922(g)(1)	Felon in Possession of a Firearm and Ammunition		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/18/2006

Date of Imposition of Judgment

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

10/18/2006

Date

DEFENDANT: Mario Boyd Romero
CASE NUMBER: DUTX 2:05CR000828-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

11 months. This case is to run concurrent with 2:03-cr-000258-001

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Mario Boyd Romero
CASE NUMBER: DUTX 2:05CR000828-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Mario Boyd Romero
CASE NUMBER: DUTX 2:05CR000828-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall submit to random drug tests as deemed appropriate by the United States Probation Office.

DEFENDANT: Mario Boyd Romero
CASE NUMBER: DUTX 2:05CR000828-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
--------	----------------	----------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Mario Boyd Romero
CASE NUMBER: DUTX 2:05CR000828-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

UNITED STATES DISTRICT COURT

Central

District of

FILED
U.S. DISTRICT COURT
Utah

UNITED STATES OF AMERICA

V.

Kassi Ann McArthur

JUDGMENT IN A CRIMINAL CASE 3:08

Case Number: DUTX 2:05CR000857-001

USM Number: 13202-081

Bel Ami de Montreux

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One and Ten of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 1344	Bank Fraud		1
18 USC § 1028A	Aggravated Identity Theft		10

The defendant is sentenced as provided in pages 2 through 11 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 2 and 9 of the Indictment ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/18/2006

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Name of Judge

U.S. District Judge

Title of Judge

10-20-2006

Date

DEFENDANT: Kassi Ann McArthur
CASE NUMBER: DUTX 2:05CR000857-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

32 Months - As to Count 1, defendant sentenced to 8 months
As to Count 2, defendant sentenced to 24 months which runs consecutively with Count 1 sentence

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court strongly recommends the defendant participate in the RDAP and serve her sentence at FCI Dublin, California.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 11/26/2006

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Kassi Ann McArthur
CASE NUMBER: DUTX 2:05CR000857-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Kassi Ann McArthur
CASE NUMBER: DUTX 2:05CR000857-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall maintain full-time, verifiable employment or be actively seeking employment, or participate in academic or vocational development throughout the term of supervision as deemed appropriate by the USPO.
2. The defendant shall provide the probation office access to all requested financial information.
3. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by USPO.

DEFENDANT: Kassi Ann McArthur
CASE NUMBER: DUTX 2:05CR000857-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$	\$ 4,396.93

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

Target #1357	\$477.22	\$477.22	
--------------	----------	----------	--

Attn: AP Recovery Team, Case #6891884-2

1000 Nicollet, TPN-830			
------------------------	--	--	--

Minneapolis, MN 55403

--	--	--	--

US Bank

\$400.00

\$400.00

Attn: Karen Robinson			
----------------------	--	--	--

60 South 100 East

St. George, UT 84770			
----------------------	--	--	--

(continued on next page)			
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TOTALS	\$ <u>4,396.93</u>	\$ <u>4,396.93</u>	
---------------	--------------------	--------------------	--

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Kassi Ann McArthur
CASE NUMBER: DUTX 2:05CR000857-001

ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Village Bank Attn: Mont Humphries 1224 S. River Road St. George, UT 84770	\$1,600.00	\$1,600.00	
Wal-Mart Asset Protection P.O. Box 1125 Lowell, AR 72745-1125	\$719.71	\$719.71	
Zions Bancorporation Attn: Frank Fisher, Director of Corp. Security 255 North Admiral Byrd Rd. Salt Lake City, UT 84116	\$1,200.00	\$1,200.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Kassi Ann McArthur
CASE NUMBER: DUTX 2:05CR000857-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☒ Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of \$ 100.00 over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

\$4,396.93 is due jointly and severally with co-defendants Christopher Todd Hammit, Case No. 2:05CR000857-001 AND Jan Tucker Hammit, Case No. 2:05CR000857-002. Restitution shall be due immediately and shall be paid at a minimum monthly rate of \$100.00, upon release from incarceration.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 8 - 11

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

**Brett L. Foster, 6089
James L. Barnett, 7462
Sarah G. Schwartz, 9921
HOLLAND & HART LLP
60 E. South Temple, Suite 2000
Salt Lake City, Utah 84111-1031
Phone: (801) 799-5800
Fax: (801) 799-5700
bfoster@hollandhart.com
jbarnett@hollandhart.com
sschwartz@hollandhart.com**

*Attorneys for Richelle's Shoes, L.L.C.
dba Briyanti's and Don and Teresa Skaggs*

RICHELLE'S SHOES, L.L.C., dba
BRIYANTI'S,

Plaintiff,

**ESTELLE KEVITCH and BRIYANTI'S
JEWELRY, L.L.C.,**

Defendants.

ESTELLE KEVITCH,

VS.

**DON SKAGGS, TERESA SKAGGS and
RICHELLE'S SHOES, L.L.C.**

On October 5, 2006, the Court held a telephonic hearing on the motion to compel filed by Richelle's Shoes, LLC, dba Briyanti's ("Briyanti's"), Don Skaggs, and Teresa Skaggs (collectively, the "Skaggs"). Sarah Schwartz appeared on behalf of the Skaggs, and Kenneth W. Yeates appeared on behalf of Estelle Kevitch ("Kevitch") and Briyanti's Jewelry, LLC. The Court also ruled on Kevitch's motion to quash or modify subpoenas. This Court having reviewed the pleadings, the arguments of the parties, and being otherwise informed, HEREBY ORDERS:

1. Kevitch shall make available all credit card and bank account numbers relating to her interests or that she used from 2000 through present.

2. The Skaggs may issue subpoenas to obtain all credit card and bank account statements from 2000 through present for the identified accounts. The Skaggs will provide a copy of all subpoenaed credit card and bank account statements they obtain to counsel for Kevitch within one business day of receiving the statements.

3. For the credit card statements, Kevitch will have 10 days from receipt of the statements to redact any items that do not constitute business or jewelry activity expenses. For the bank account statements, Kevitch will have 10 days from receipt of the statements to redact any items that do not constitute business expenses, jewelry activity expenses, income deposits, or cash deposits. For the credit card and bank account statements, business expenses include both expenses that relate to Kevitch's employment at Briyanti's and Kevitch's own jewelry activities separate from her employment at Briyanti's. During this 10-day period, Kevitch shall also have the

opportunity to designate the credit card and bank account statements in accordance with the Stipulated Protective Order.


4. Skaggs' counsel shall hold Kevitch's credit card and bank account statements in strict confidence during the 10-day redaction and designation period. During the 10-day redaction and designation period, counsel for the Skaggs shall not disclose the original credit card or bank account statements to any other person, including their experts and clients. If Kevitch redacts or designates the statements, counsel for the Skaggs shall only disclose the redacted and designated versions of the statements. If Kevitch fails to redact or designate any statements within 10 days, then the Skaggs may use those statements in any manner consistent with the Federal Rules of Civil Procedure or Evidence.

5. For the subpoenas issued by the Skaggs to Tara & Sons, Inc., Cuisine Unlimited, Inc., Lamb's Grill Café, LC, John Speros, Danielle Cone, Maxine Turner, and Susan Barnes, the same procedure outlined in paragraphs 2 through 4 herein shall apply, except that Kevitch may only redact items that are not related to: (a) Briyanti's, (b) Kevitch's business expenses, or (c) Kevitch's jewelry activity expenses.

6. If the parties are unable to reach agreement regarding the scope of Kevitch's redactions on any other items covered by this Order, the parties may submit the documents in question to this Court for an *in camera* review to determine whether the redacted items are entitled to protection. During the Court's review, the Skaggs shall not disclose the disputed documents.

DATED this 20th day of October, 2006.

FOR THE UNITED STATES DISTRICT COURT



The Honorable David Sam

APPROVED AS TO FORM:

Dated this 18th day of October.

/s/ Kenneth Yeates
Kenneth Yeates
(Signed by Filing Attorney with permission of Kenneth Yeates)

3613951_2.DOC

HOLME ROBERTS & OWEN LLP
Matthew N. Evans #7051
J. Andrew Sjoblom, #10860
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111-2263
Telephone: (801) 521-5800
Facsimile: (801) 521-9639

Attorneys for Plaintiff Jack Walker

FILED
U.S. DISTRICT COURT
2006 OCT 20 P 1:47
CLERK OF COURT
SALT LAKE CITY, UTAH

**IN THE UNITED STATES JUDICIAL DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

JACK WALKER,

Plaintiff,

v.

**300 SOUTH MAIN, LLC, A UTAH
LIMITED LIABILITY COMPANY,**

Defendant.

**300 SOUTH MAIN, LLC, a Utah Limited
Liability Company,**

Counterclaim Plaintiff,

v.

JACK WALKER,

Counterclaim Defendant.

**ORDER GRANTING EXTENSION OF
TIME UNDER DUCivR 77-2 FOR
PLAINTIFF TO FILE REPLY IN SUPPORT
OF PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Case No. 2:05cv00442TS

Judge Ted Stewart

Pursuant to DUCivR 77-2, the parties have filed a stipulation that Plaintiff, Jack Walker, may have until October 30, 2006 to file his Reply in Support of Plaintiff's Motion for Partial

Summary Judgment. The Reply is currently due on Monday, October 23, 2006; thus the time originally prescribed has not expired.

IT IS ORDERED that Jack Walker shall file his Reply in Support of Plaintiff's Motion for Partial Summary Judgment no later than October 30, 2006.

DATED this 20th day of October, 2006.

UNITED STATES DISTRICT COURT



Honorable Ted Stewart

APPROVED AS TO FORM:

JONES WALDO HOLBROOK & McDONOUGH, P.C.

s/Vincent C. Rampton
170 South Main Street, Suite 1700
Salt Lake City, Utah 84101
Attorneys for Defendant

HIRSCHI CHRISTENSEN, PLLC

s/David P. Hirschi
136 East South Temple, Suite 850
Salt Lake City, Utah 84111
Attorneys for Defendant

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

AQUILA, INC.,

Plaintiff,

vs.

C.W. MINING, d/b/a CoOp Mining
Company,

Defendant.

ORDER

Case No. 2:05 CV 555

For the reasons set forth at the close of the October 20, 2006 hearing, Plaintiff Aquila, Inc.'s Motion for Partial Summary Judgment (dkt. #59) is GRANTED in part and DENIED in part. Specifically, for the reasons presented in part III-A of Aquila, Inc.'s Reply in Support of Its Motion for Partial Summary Judgment (dkt. #73-1), the court agrees that Defendant C.W. Mining, under the terms of the contract, did not adequately provide written notice of any potential force majeure events other than the existence of labor problems. Because C.W. Mining provided written notice that it considered its labor problems a force majeure event, C.W. Mining is entitled to rely on its labor problems when defending against Aquila's claims in this suit. But the court concludes that C.W. Mining failed to provide Aquila with written or actual notice of equipment failures and therefore C.W. Mining cannot claim that equipment failures justified, under the contract's force majeure clause, its failure to fully perform under the contract.

Questions of fact foreclose summary judgment on the issue of whether C.W. Mining

provided actual notice to Aquila that C.W. Mining considered the collapse of the roof and eventual closing of one of its mines a force majeure event. Questions of fact also prevent the entry of summary judgment on the question of whether C.W. Mining provided actual notice to Aquila that it had encountered a section of “hot coal” and that the presence of that coal constituted a force majeure event. Further factual development relating to those two issues, as well as the possibility that Aquila suffered prejudice as a result of C.W. Mining’s failure to provide written notice of the two events, is necessary.

Accordingly, Aquila, Inc.’s Motion for Partial Summary Judgment (dkt. #59) is GRANTED in part and DENIED in part.

SO ORDERED this 20th day of October, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JILL MILLER TARBET AND LISA
MILLER,

Plaintiffs,

vs.

MATTHEW E. MILLER; ANGELES A.
ACEITUNA a/k/a ANGELES A. MILLER;
and DOES 1-6,

Defendants.

ORDER GRANTING MOTION TO
REMAND

Case No. 2:05-CV-00635 PGC

This removal action is before the court on the plaintiffs' motion to remand to Fourth District Court in and for Utah County, State of Utah. The defendants consent to the plaintiffs' motion.

The plaintiffs contend that the court does not have subject matter jurisdiction and therefore this court must remand. If at anytime before final judgment, the court does not have subject matter jurisdiction over a removal action, the court must remand the action.¹

¹28 U.S.C. § 1447(c).

Additionally, the court may decline to exercise supplemental jurisdiction over a claim if the court “has dismissed all claims over which it has original jurisdiction.”²

On July 28, 2005, the defendants removed civil case number 05040186 in the Fourth District Court in and for Utah County, State of Utah, to this court pursuant to 28 U.S.C. § 1331. The defendants asserted removal based solely upon the plaintiffs’ RICO claims. On February 27, 2006, the defendants filed a motion to dismiss, which this court treated a motion for judgment on the pleadings, seeking dismissal of the plaintiffs’ fraud claims. The court granted the motion. On August 26, 2006, the plaintiffs acknowledged that the predicate acts did not exist for their RICO claims and stipulated to the defendants’ motion for judgment on the pleadings on those claims. The plaintiffs now contend that because the court has dismissed the RICO claims, the court does not have subject matter jurisdiction and should therefore remand the remaining supplemental claims to state court. Given that only state claims remain and the parties agree that remand is appropriate, the court concludes that remand is appropriate.

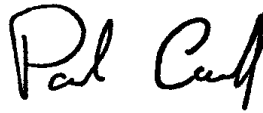
²28 U.S.C. § 1367(c)(3).

Accordingly, the court HEREBY ORDERS that the plaintiffs' Motion to Remand (#58) is GRANTED. This matter is remanded to the Fourth District Court by and for Utah County, State of Utah. The court directs the clerk of court to close this case.

SO ORDERED.

_____ DATED this 19th day of October 2006. _____

_____ BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell". The signature is written in a cursive, flowing style.

Paul G. Cassell
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

THOMAS J. LOWERY,
Plaintiff,

vs.

STATE OF UTAH, et al.,
Defendants.

ORDER

Case No. 2:05-CV-884 TC

On October 4, 2006, the court adopted the Report & Recommendation of United States Magistrate Judge Paul Warner and dismissed all of the Plaintiff's claims with prejudice. (Dkt # 59.) On October 18, 2006, the Plaintiff filed a motion for relief from judgment or order under Federal Rule of Civil Procedure 60(b)(1) and (6). The court has reviewed Mr. Lowery's motion. He does not present any new arguments or evidence that would change the court's October 4, 2006 Order. Accordingly, his motion is DENIED.¹

SO ORDERED this 20th day of October, 2006.

BY THE COURT:



TENA CAMPBELL
United States District Judge

¹Mr. Lowery's motion is titled "Motion for Relief of Judgement [sic] or Order and Ex Parte Motions for Reasonable Modifications of Rules, Policies, or Practices Under the Americans With Disabilities Act, the Fourteenth Amendment, and *Tennessee v. Lane* (2004) 158 L Ed 2d 820, 833-844." To the extent he is moving for anything other than relief from the October 4, 2006 Order, his motion is DENIED AS MOOT.

UNITED STATES DISTRICT COURT

Central

District of

Utah

FILED
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

Jacobo Martinez-Anaya

JUDGMENT IN A CRIMINAL CASE

NOV 19 A 10:15

Case Number: DUTX 2:06CR000138-001

USM Number: 40109-198

Joshua Bowland

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 USC § 1326	Reentry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/17/2006

Date of Imposition of Judgment


Signature of Judge

Tena Campbell

Name of Judge

U.S. District Judge

Title of Judge

10 18 2006
Date

DEFENDANT: Jacobo Martinez-Anaya
CASE NUMBER: DUTX 2:06CR000138-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

51 Months

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends to the BOP that the defendant serve his sentence at a Colorado facility.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jacobo Martinez-Anaya
CASE NUMBER: DUTX 2:06CR000138-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jacobo Martinez-Anaya
CASE NUMBER: DUTX 2:06CR000138-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not illegally reenter the United States.

DEFENDANT: Jacobo Martinez-Anaya
CASE NUMBER: DUTX 2:06CR000138-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ 0.00	\$ 0.00	
--------	---------	---------	--

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jacobo Martinez-Anaya
CASE NUMBER: DUTX 2:06CR000138-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

UNITED STATES DISTRICT COURT

Central

District of

Utah

UNITED STATES OF AMERICA

V.

Juan Espinoza-Castillo

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 2:06CR000166-001

USM Number: 13499-081

Mark J. Gregersen

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) I - Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18USC§922(g)(5)	Illegal Alien in Possession of a Firearm		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/18/2006

Date of Imposition of Judgment

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

10/18/2006

Date

DEFENDANT: Juan Espinoza-Castillo
CASE NUMBER: DUTX 2:06CR000166-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

15 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends a Federal Correctional Institution in Colorado, for family visitations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Juan Espinoza-Castillo
CASE NUMBER: DUTX 2:06CR000166-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Juan Espinoza-Castillo

CASE NUMBER: DUTX 2:06CR000166-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not reenter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of his arrival in the United States.

DEFENDANT: Juan Espinoza-Castillo
CASE NUMBER: DUTX 2:06CR000166-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
--------	----------------	----------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Juan Espinoza-Castillo
CASE NUMBER: DUTX 2:06CR000166-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

STEVEN B. KILLPACK, Federal Defender (#1808)
BENJAMIN C. McMURRAY, Attorney at Law (#9926)
Utah Federal Defender Office
46 West 300 South, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010

FILED
U.S. DISTRICT COURT
2006 OCT 19 A 11:48
DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JOHN HARRIS,

Defendant.

:
:
:
:
:

**ORDER TO MODIFY
CONDITIONS OF RELEASE**

Case No. 2:06-CR-00566 TC

Based on motion of the defendant and good cause shown:

It is hereby ORDERED that the United States Probation Office allow defendant to leave Cornell Community Corrections Center for job search and employment purposes.

It is further ORDERED that all other conditions of defendant's release remain in effect.

DATED this 19th day of October, 2006.

BY THE COURT:



HONORABLE SAMUEL ALBA
United States Magistrate Judge

BRETT TOLMAN, United States Attorney (#8821)
KARIN M. FOJTIK, Assistant United States Attorney (#7527)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

2:06 CR 576 PGC

Plaintiff,

**ORDER GRANTING MOTION
TO SEAL COMPLAINT**

vs.

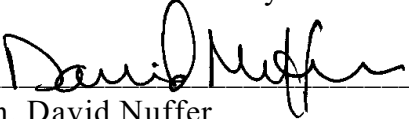
TERENCE D. WILLIAM,

Defendant.

The motion (docket no. 17) to seal this complaint is GRANTED. The United States is to re-file a re-dacted complaint within two weeks of this motion.

SO ORDERED.

DATED THIS 20th day of October 2006.



Hon. David Nuffer
United States District Court

MARK R. MOFFAT (#5112)
Attorney for Defendant
BROWN & MOFFAT
10 West Broadway, Suite 210
Salt Lake City, Utah 84101
Telephone: (801) 532-5297
Facsimile: (801) 532-5298

FILED
U.S. DISTRICT COURT

RECEIVED

2006 OCT 19 A 10:15

OCT 18 2006

DISTRICT OF UTAH

BY:

DEPUTY CLERK

OFFICE OF
JUDGE TENA CAMPBELL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUKE HARRISON KNUDSON,

Defendant.

ORDER EXTENDING
MOTION CUTOFF DATE

Case No. 2:06CR-0650TC

Based upon the motion and stipulation of the parties and good cause appearing,

IT IS HEREBY ORDERED that the motion cutoff date is continued to Nov 17,

2006.

DATED this 18 day of October 2006.

BY THE COURT:



TENA CAMPBELL
District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

2006 OCT 19 A 10:15

RONALD LEE YOUNG et al.,)
)
 Plaintiffs,) Case No. 2:06-CV-124 TC
)
 v.) District Judge Tena Campbell
)
 FREMONT COMMUNITY CORR. CTR. et al.,) O R D E R
)
 Defendants.) Magistrate Judge Samuel Alba

Plaintiff, Ronald Lee Young, filed a self-styled "Notice of Intent Civil Complaint." Because of the unorthodox format Plaintiff chose and the confusing nature of his allegations, the Court could not decipher Plaintiff's claims in a way that allowed the Court to process the complaint. Therefore, on August 9, 2006, the Court ordered the Court Clerk to mail to Plaintiff a form civil rights complaint for Plaintiff to complete in an organized, concise fashion and return to the Court within thirty days. Plaintiff has not since filed a new complaint.

IT IS THEREFORE ORDERED that this case is dismissed

DATED this 18 day of October, 2006.

BY THE COURT:

Tena Campbell
TENA CAMPBELL
United States District Judge

*TC
without
prejudice.*

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ENVIRONMENTAL MODELING
SYSTEMS INCORPORATED, BRIGHAM
YOUNG UNIVERSITY, and NORMAN L.
JONES,

Plaintiffs,

v.

BOSS INTERNATIONAL, INC. and CHRIS
MAEDER,

Defendants.

ORDER GRANTING STIPULATED
MOTION FOR CONSENT JUDGMENT

Case No. 2:06CV00198 PGC

Plaintiffs, Environmental Modeling Systems Incorporated (“EMS-I”), Brigham Young University (“BYU”), and Norman L. Jones (“Jones”) (collectively “Plaintiffs”), and Defendants BOSS International, Inc. (“BOSS”) and Chris Maeder (“Maeder”) (collectively “Defendants”) have filed a stipulated motion to enter a consent judgment (#8). The court GRANTS the motion (#8) and In accordance with the stipulated motion, it is hereby ordered that:

1. BOSS, Maeder, and any other companies that they control, are affiliated with, or have an ownership interest in are permanently enjoined from any and all use of the GMS, WMS, and SMS marks, or any other marks confusingly similar thereto as well as any copyrighted materials belonging to Plaintiffs in conjunction with any activity in which they are currently engaged, business or otherwise, or in which they may hereafter engage,

including any web sites or web pages they own or control.

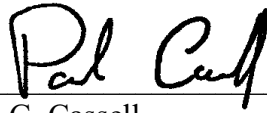
2. BOSS and Maeder are further enjoined to maintain the disclaimer of any association with any one of the Plaintiffs in the form and position as it currently appears on the Boss International web site located at URL <http://www.bossintl.com/html/products.html> for a period of three years from the date of the Settlement Agreement in this matter. (A copy of this website page is attached as exhibit “A”.)
3. BOSS, Maeder, and any other entities that they control, are affiliated with, or in which they have an ownership interest are further enjoined to return all GMS, WMS, and SMS software as well as any and all materials in which Plaintiffs have a copyright, and are enjoined from engaging in any and all environmental consulting work that utilizes, incorporates, or relies on the GMS, WMS, or SMS software or any other materials in which Plaintiffs have intellectual property rights, including, copyright. BOSS, Maeder, and any other entities that they control, are affiliated with, or in which they have an ownership interest are further enjoined from engaging in any training of any clients or other third parties in the use of GMS, WMS, or SMS software, or any training related activities involving this software.
4. This Consent Judgment represents a final judgment in this matter and constitutes the final resolution of the dispute between the parties in this matter.

The court GRANTS the stipulated motion for consent judgment (#8). Accordingly, this case is dismissed with prejudice in its entirety. The Clerk's Office is directed to close the case.

SO ORDERED.

DATED this 20th day of October, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

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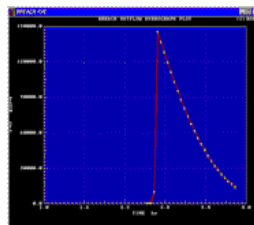
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Arthur B. Berger (6490)
John W. Mackay (6923)
Samuel C. Straight (7638)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
Salt Lake City, Utah 84111
Telephone: (801) 532-1500
Facsimile: (801) 532-7543

FILED
U.S. DISTRICT COURT
2006 OCT 20 A 8:35
DISTRICT OF UTAH
BY: TERRY CLARK

Attorneys for Defendants and Counterclaim Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

NOVATIONS GROUP INC. et al.,

Plaintiffs,

v.

ZENGER FOLKMAN COMPANY et al.,

Defendants.

**ORDER GRANTING STIPULATED
MOTION TO EXTEND MEDIATION
DEADLINE**

ZENGER FOLKMAN COMPANY et al.,

Counterclaim Plaintiffs,

v.

NOVATIONS GROUP INC. et al.,

Counterclaim Defendants.

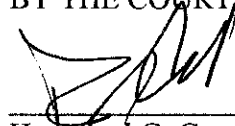
Civil No. 2:06-CV-347 PGC

Pursuant to the stipulation and joint motion of the parties to this action, and good
cause appearing,

IT IS HEREBY ORDERED that the deadline for the parties to mediate the captioned matter is extended until and including December 13, 2006.

DATED this 19th day of October, 2006.

BY THE COURT:



Hon. Paul G. Cassell
United States District Judge

APPROVED AS TO FORM AND SUBSTANCE:

FILLMORE SPENCER LLC

/s/ Barnard N. Madsen

Barnard N. Madsen

Matthew R. Howell

Jennifer K. Gowans

*Attorneys for Plaintiffs and
Counterclaim Defendants*

[E-signature included with permission
of Barnard N. Madsen]

896672

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

**MOUNTAIN AMERICA FEDERAL
CREDIT UNION, a federally chartered
credit union,**

Plaintiff,

v.

**FRANK GODFREY, an individual; and
WELLS FARGO INVESTMENTS, LLC,**

Defendants.

ORDER

Case No. 2:06-cv-00481-TS-PMW

District Judge Ted Stewart

Magistrate Judge Paul M. Warner

This matter was referred to Magistrate Judge Paul M. Warner by District Judge Ted Stewart pursuant to 28 U.S.C. § 636(b)(1)(A). Before the court is the parties' Joint Stipulation and Motion for Extension of Time to Complete Fact Discovery.¹

Based on the parties' joint stipulation and motion, and good cause appearing therefor, IT IS HEREBY ORDERED that the fact discovery deadline be extended until December 3, 2006.

DATED this 20th day of October, 2006.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

¹ Docket no. 33.

Frank W. Compagni (A 7174)
Bretton L. Crockett (A 8573)
MORRISS O'BRYANT COMPAGNI, P.C.
136 South Main Street, Suite 700
Salt Lake City, UT 84101
Telephone: (801) 478-0071
Facsimile: (801) 478-0076

Attorneys for Plaintiff

FILED
U.S. DISTRICT COURT

2005 OCT 20 A 10:39

CLERK OF UTAH

BY: _____
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

PROVO CRAFT AND NOVELTY, INC., a
Utah corporation,

Plaintiff,

v.

XYRON, INC. an Arizona corporation,

Defendant.

ORDER OF DISMISSAL

~~(RECEIVED)~~ *cl*

Civil No. 2:06-cv-00482-DS

Judge David Sam

Plaintiff has filed a voluntary Notice of Dismissal under Rule 41 of the Federal Rules of Civil Procedure, such Notice having been filed before the Complaint was served on the Defendants.

IT IS HEREBY ORDERED THAT the voluntary dismissal is GRANTED, without prejudice.

BY THE COURT:

Date: October 20, 2006

David Sam
David Sam
U.S. District Court Judge

FILED
U.S. DISTRICT COURT

2006 OCT 20 A 10:39

DISTRICT OF UTAH

DEPUTY CLERK

Michael Patrick O'Brien (USB #4894)
JONES WALDO HOLBROOK & McDONOUGH PC
Attorneys for Defendant Mountain View Hospital
170 South Main Street, Suite 1500
Salt Lake City, Utah 84101
Telephone: (801) 521-3200

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

KEVIN D. KRAUT,	::	SCHEDULING ORDER
	::	
Plaintiff,	::	
	::	
vs.	::	Case No. 2:06CV00505
	::	
MOUNTAIN VIEW HOSPITAL, INC., dba	::	Judge David Sam
MOUNTAIN VIEW HOSPITAL, individually,	::	
and DOES 1-10,	::	
	::	
Defendants.	::	

Counsel for Plaintiff and Defendant having stipulated to the same in their Attorneys' Meeting Report filed with the court and there being good cause shown;

IT IS HEREBY ORDERED that this litigation shall be conducted according to the schedule outlined below. Any of these dates may be modified by the court upon motion and a showing of good cause.

—	Deadline to make initial Rule 26 disclosures:	10/06/06
—	Deadline to amend pleadings and/or join parties:	11/30/06
—	Deadline for completion of all discovery:	4/30/07

- Deadline for Plaintiff's expert designation(s) and F.R.C.P. 26(a)(3) report(s): 1/01/07
 - Deadline for Defendants' expert designation(s) and F.R.C.P. 26(a)(3) report(s) designation: 2/01/07
 - Deadline for filing dispositive motions: 5/31/07
Final Pretrial 9/27/07 at 2:00 P.M. UT - 5 days jury - 9/24/07 at 8:30 A.M. UT
- DATED this 20th day of October, 2006.

BY THE COURT:


 Judge David Sam
 United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 2006, I caused to be delivered, via the court's electronic filing system, email or otherwise by first class mail postage prepaid if needed, a true and correct copy of the foregoing **SCHEDULING ORDER**, to the following:

Michael J. Petro
 John J. Penrod
 YOUNG, KESTER & PETRO
 Attorneys for Plaintiff
 75 South 300 West
 Provo, Utah 84601

/s/ Michael Patrick O'Brien

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

OCT 20 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

RECEIVED CLERK

OCT 19 2006
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

Les Goodwin, et al
ADMISSION
Plaintiffs
v.
Hole No. 4, LLC, et al
Defendants

*
*
*
*
*
*

ORDER FOR PRO HAC VICE

Case Number 2:06CV00679 PGC

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of **Geoffrey A. Munroe** in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 20th day of Oct., 2006.

Paul C. Cull
U.S. District Judge

Mark C. Quinn, # 6782
5742 West Harold Gatty Drive
Salt Lake City, Utah 84116
Telephone: 517-7000
Facsimile: 517-7003
mquinn07@sprintpcs.com

FILED
US DISTRICT COURT
2006 OCT 20 A 10:40
DISTRICT OF UTAH
BY _____
CLERK

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

KLEIN-BECKER USA, LLC, and KLEIN-
BECKER IP HOLDINGS, LTD.,

Plaintiffs,

v.

ZLABS, LLC, its division BIO-HEALTH,
and JOHN DOES 1-10,

Defendants.

**[PROPOSED] ORDER GRANTING
MOTION FOR WITHDRAWAL
OF COUNSEL**

Case No. 2:06-cv-00696

Judge David Sam

Mark C. Quinn having moved to withdraw as counsel and for good cause appearing
therefor,

IT IS HEREBY ORDERED that Mark C. Quinn may withdraw as counsel for Plaintiffs
in this action and is removed from the service list in this case.

DATED this 20th day of October, 2006.

BY THE COURT:



Honorable David Sam

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MORELLO,

Plaintiff,

vs.

NY STATE DIVISION OF PROBATION
AND PAROLE, et al.,

Defendants.

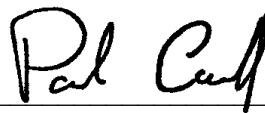
ORDER OF REFERENCE

Civil No. 2:06-CV-00848 PGC

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(B) and the rules of this Court, the above entitled case is referred to Magistrate Judge Brooke Wells. The magistrate judge is directed to manage the case, receive all motions, hear oral arguments, conduct evidentiary hearings as deemed appropriate, and to submit to the undersigned judge a report and recommendation for the proper resolution of dispositive matters presented.

DATED this 20th day of October, 2006.

BY THE COURT:



Paul G. Cassell
United States District Judge

LAWRENCE R. BARUSCH (4771)
JEFFREY C. COREY (9938)
Parsons Behle & Latimer
One Utah Center
201 South Main Street, Suite 1800
Post Office Box 45898
Salt Lake City, Utah 84111-0898
Telephone: (801) 536-6760
Facsimile: (801) 536-6111
Attorneys for Petitioners

FILED
DISTRICT COURT
2006 OCT 20 A 11:33

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

LANA VENTO CHARITABLE TRUST, by and
through Richard G. Vento and Lana J. Vento as its
Trustees, RICHARD G. VENTO, and LANA J.
VENTO,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

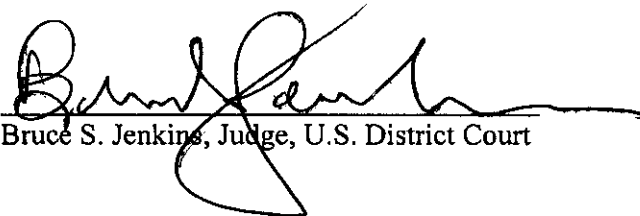
**ORDER FOR PRO HAC VICE
ADMISSION OF JOSEPH M. ERWIN**

Case No. 2:06-cv-00891-BSJ

Judge Bruce S. Jenkins

It appearing to the Court that Petitioner meets the *pro hac vice* admission requirements of
DUCiv R 83-1.1(d), the motion for the admission *pro hac vice* of Joseph M. Erwin in the United
States District Court, District of Utah, in the subject case is GRANTED.

Dated: 10/20/06


Bruce S. Jenkins, Judge, U.S. District Court

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

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2006 OCT 20 A 11:33
U.S. DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA

Plaintiff

v.

THOMAS C. CROOKSTON, an individual;
and ANGIE C. CROOKSTON, an individual;

Defendants

:
:
:
:
: ORDER FOR PRO HAC VICE ADMISSION

:
: Case Number: [New]

: Judge Bruce S. Jenkins

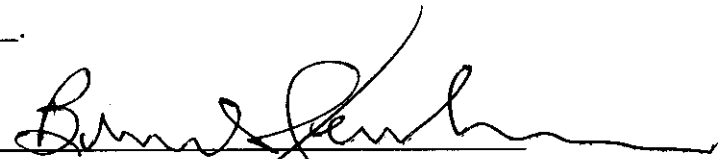
: DECK TYPE: Civil

: DATE STAMP: 10/18/2006 @ 15:45:07

: CASE NUMBER: 2:06CV00893 BSJ
:

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Chad D. Nardiello in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 20 day of Oct., 2006.



U.S. District Judge

BRETT L. TOLMAN
United States Attorney

JARED BENNETT
Assistant United States Attorney

PHILIP E. BLONDIN
CHAD D. NARDIELLO
Trial Attorneys, Tax Division
U.S. Department of Justice
P.O. Box 683
Ben Franklin Station
Washington, D.C. 20044-0683
Telephone: (202) 307-6322
(202) 514-6632

Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA)	Judge Bruce S. Jenkins
)	DECK TYPE: Civil
Petitioner,)	DATE STAMP: 10/18/2006 @ 15:45:07
v.)	CASE NUMBER: 2:06CV00893 BSJ
)	
THOMAS C. CROOKSTON, an individual;)	NOTICE OF HEARING
and ANGIE C. CROOKSTON an individual,)	AND ORDER TO SHOW CAUSE
)	
Respondents.)	

Respondents Thomas C. Cookston and Angie C. Cookston are hereby notified that the United States has petitioned this Court for an Order allowing the Internal Revenue Service to levy upon the real property located at 4204 Breawood Place, Salt Lake City, Utah 84120 (the "Property") in order to sell Respondents' interest to satisfy part or all of their unpaid federal income taxes, penalties, interest, and other statutory additions for the income tax years 1997,

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U.S. DISTRICT COURT
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2006 OCT 20 AM 11:33
CLERK
U.S. DISTRICT COURT
SALT LAKE CITY

1998, 1999, 2000, 2001, 2002, 2003, and 2004; and Thomas C. Crookston's unpaid federal employment taxes, penalties, interest, and other statutory additions, as the sole proprietor of Dura-Tech Tile & Stone, for the tax periods ending June 1999, September 1999, December 1999, March 2000, September 2000, December 2000, March 2001, and December 2001, as set forth in paragraphs five and six in the government's petition.

This Court has examined the Petition of the United States and accompanying Declaration of Revenue Officer Desica Willard, and it is hereby ORDERED that Respondents have 25 days from the date of this Order to file with the Clerk of the Court a written Objection to Petition. Any written Objection to Petition should demonstrate either that:

- A. The liability has been satisfied; or
- B. Respondent has other assets from which the unpaid tax liabilities can be satisfied; or
- C. Applicable laws and administrative procedures relevant to the levy were not followed by the Internal Revenue Service.

It is FURTHER ORDERED that if Respondents file a written Objection to Petition with the Clerk of Court, then the Court will hold a hearing, at which the parties must appear, on December 1, 2006, at 1:20 ~~am~~ p.m., at the United States Courthouse, 350 South Main Street, Salt Lake City, Utah 84101, in the courtroom of the undersigned, to consider Respondents' objections.

It is FURTHER ORDERED that, in addition to filing any Objection to the Petition with the Clerk of the Court, Respondents must also mail a copy of any Objection to the Petition to the

attorneys for the United States, at the following addresses, on or before the filing date:

Chad D. Nardiello
Philip E. Blondin
Trial Attorneys, Tax Division,
U.S. Department of Justice,
Post Office Box 683, Ben Franklin Station
Washington, D.C. 20044

Brett L. Tolman
United States Attorney
District of Utah
185 South State Street, Suite 400
Salt Lake City, Utah 84111

If Respondents do not file an Objection to Petition within 25 days of service of this order, or if they file an Objection to Petition but fail to appear before the Court as instructed, the Court will enter an Order Approving an Internal Revenue Service levy on the Real Property located at 4204 Breawood Place, Salt Lake City, Utah 84120 .

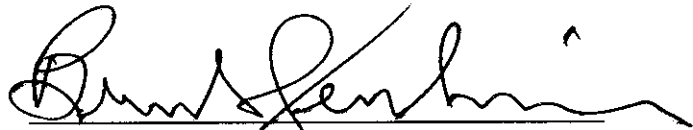
It is FURTHER ORDERED that copies of this ORDER TO SHOW CAUSE, together with the Petition and Declaration, shall be served upon Respondents Thomas C. Crookston and Angie C. Crookston within 5 days of the date of this Order, by the United States Marshal or any deputy U.S. Marshal, or any Revenue Officer of the Internal Revenue Service, by delivering copies to Respondents at the following address:

Service may also be completed by any other manner of service described in Rule 4(e)(1) of the Federal Rules of Civil Procedure. Proof of service shall be filed as soon as practicable.

The Clerk shall forward copies of this Order to the attorneys for the United States at the address indicated on its pleadings.

IT IS SO ORDERED.

Dated this 20 day of October, 2006.


UNITED STATES DISTRICT JUDGE

United States District Court

Central Division for the District of Utah

FILED
DISTRICT COURT
2006 OCT 20 P 12:02

ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

Dee Campanella aka David McCrary

v.

United States of America et al.

Judge Tena Campbell

DECK TYPE: Civil

DATE STAMP: 10/20/2006 @ 12:07:07

CASE NUMBER: 2:06CV00898 TC

Having considered the application to proceed without prepayment of fees under 28 U.S.C. 1915;

IT IS ORDERED that the application is:

☒ GRANTED.

☒ The clerk is directed to file the complaint.

☐ DENIED, for the following reasons:

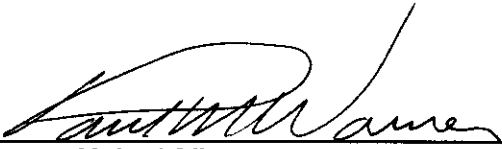
ENTER this

6th

day of

October

, 20 06.


Signature of Judicial Officer

Paul M Warner
U.S. Magistrate Judge
Name and Title of Judicial Officer

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

2006 OCT 20 P 12:05

TIMOTHY HARNER,)
)
Plaintiff,) Case No.
)
v.)
)
RON HERBERT et al.,) **O R D E R**
)
Defendants.)

Plaintiff, Timothy Harner, an inmate at Utah State Prison, has filed a *pro se* civil rights complaint.¹ The filing fee is \$350.² However, Plaintiff asserts he is unable to prepay the filing fee. He thus applies to proceed without prepaying the filing fee and submits a supporting affidavit.³

The Court grants Plaintiff's request to proceed without prepaying the entire filing fee. Even so, Plaintiff must eventually pay the full \$350.00.⁴ Plaintiff must start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his prison] account . . . or . . . the average monthly balance in [his prison] account for the 6-month period immediately preceding the filing of the complaint."⁵ Under this formula, Plaintiff must pay \$0.93. If

¹See 42 U.S.C.S. § 1983 (2006).

²See 28 *id.* § 1914(a).

³See *id.* § 1915(a).

⁴See *id.* § 1915(b)(1).

⁵*Id.*

Judge Bruce S. Jenkins
DECK TYPE: Civil
DATE STAMP: 10/20/2006 @ 12:08:05
CASE NUMBER: 2:06CV00899 BSJ

this initial partial fee is not paid within thirty days, or if Plaintiff has not shown he has no way to pay it, the complaint will be dismissed.

Plaintiff must also complete the attached "Consent to Collection of Fees" form and submit the original to the inmate funds accounting office and a copy to the Court within thirty days so the Court may collect the balance of the filing fee. Plaintiff is notified that, based on Plaintiff's consent form submitted to this Court, Plaintiff's correctional institution will make monthly payments from Plaintiff's inmate account of twenty percent of the preceding month's income credited to Plaintiff's account.

IT IS THEREFORE ORDERED that:

(1) Plaintiff may proceed without prepaying his filing fee; however, he must eventually pay the full filing fee of \$350.00.

(2) Plaintiff must pay an initial partial filing fee of \$0.93 within thirty days, or his complaint will be dismissed.

(3) Plaintiff must make monthly payments of twenty percent of the preceding month's income credited to Plaintiff's account.

(4) Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office or other appropriate office at Plaintiff's correctional facility.

(5) Plaintiff shall complete the consent to collection of fees and submit it to his correctional institution's inmate funds accounting office and also submit a copy of the signed consent to this Court within thirty days from the date of this Order or the complaint will be dismissed.

DATED this 20 day of October, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'DAVID NUFFER', written over a horizontal line.

DAVID NUFFER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Timothy Harner, understand that even though the Court has granted my application to proceed *in forma pauperis* and filed my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is later dismissed.

I, Timothy Harner, hereby consent for the appropriate institutional officials to withhold from my inmate account and pay to the court an initial payment of \$0.93, which is 20% of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint or petition; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint or petition.

I further consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 350 South Main, #150, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Timothy Harner

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH 1: 47
CENTRAL DIVISION

DISTRICT OF UTAH

UNITED STATES OF AMERICA,	:	Civil No. 2:99CV0325 TS
	:	
Plaintiff,	:	ORDER TO ISSUE WRIT OF
	:	ASSISTANCE
vs.	:	
	:	Honorable Ted Stewart
GARY W. HAWS,	:	
Defendant.	:	

On October 3, 2006, the United States filed a Motion for Writ of Assistance, in which it requested that this Court order the Clerk of the Court to issue a Writ of Assistance to Randall Anderson, United States Marshal for the District of Utah, and Larry Shackelford, Special Agent in Charge, Utah State Office, the Bureau of Land Management ("BLM"), that would compel the foregoing to enforce this Court's November 30, 2000 order ("the Order"). In the Order, this Court adjudged and decreed that Defendant was to deliver possession to the United States within 30 days of the lands and premises situated in:

Salt Lake Base and Meridian
Township 33 South, Range 4 East, Section 26, SE1/4, SE, 1/4,
SW1/4, SW1/4
Approximately 2.5 acres more or less

The Court also ordered Defendant to immediately remove all improvements, structures, construction, personal property, and other encroachments, which he has placed or caused to be placed on the property, and to restore the property to its pre-trespass condition. The Court also authorized the United States to remove Defendant from its property if Defendant failed to comply within 30 days of the Court's issuance of the Judgment and Order.

After nearly six years, Defendant has not complied with the Order. In an effort to resolve this matter without using law enforcement, the BLM made a final demand on Defendant to deliver possession of the lands and tenements to the United States on July 6, 2006, but Defendant refuses to deliver such possession and pay obedience to the decree of this Court.

Given Defendant's continuing failure to obey the Order of this Court, this Court hereby ORDERS the following:

-The Clerk of the Court shall issue forthwith a Writ of Assistance that shall compel the United States Marshall, with the assistance of BLM law enforcement, to enter the land and tenements and eject Defendant pursuant to the Order within 45 days of the issuance of the Writ of Assistance.

DATED this 28th day of October, 2006.



TED STEWART, Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Civil No. 2:99CV0325 TS
Plaintiff,	:	WRIT OF ASSISTANCE
vs.	:	Honorable Ted Stewart
GARY W. HAWS,	:	
Defendant.	:	

TO: RANDALL ANDERSON, UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH
AND LARRY SHACKELFORD, SPECIAL AGENT IN CHARGE, UTAH STATE OFFICE, THE
BUREAU OF LAND MANAGEMENT:

On November 30, 2000, in a cause pending in the United States District Court for the District of Utah, in which the United States is Plaintiff, and Gary W. Haws is Defendant, it was adjudged and decreed that Defendant deliver possession to the United States of the lands and premises situated in:

Salt Lake Base and Meridian
Township 33 South, Range 4 East, Section 26, SE1/4, SE, 1/4,
SW1/4, SW1/4
Approximately 2.5 acres more or less

The Court also ordered Defendant to immediately remove all improvements, structures, construction, personal property, and other encroachments, which he has placed or caused to be placed on the property, and to restore the property to its pre-trespass condition. The Court also authorized the United States to remove Defendant from its property if Defendant failed to comply within 30 days of the Court's issuance of the Judgment and Order.


After nearly six years, Defendant has not complied with this Court's November 30, 2000 Order. In an effort to resolve this matter without using law enforcement, the United States made a final demand on Defendant to deliver possession of the lands and tenements to the United States on July 6, 2006, but Defendant refuses to deliver such possession and pay obedience to the decree of the court.

Consequently, on October 20, 2006, Judge Stewart signed an order requiring the Clerk of the Court to enter this Writ of Assistance. See Docket No. 20. Now, therefore, within 45 days of the issuance of this Writ of Assistance, we do hereby command you to enter the land and tenements and eject Defendant pursuant to the Court's November 30, 2000 Judgment and Order.

DATED this 20th day of October, 2006.

MARKUS B. ZIMMER

CLERK, United States District Court
For the District of Utah


by: Deputy Clerk